

SPECIAL MEETING OF DECEMBER 14, 2010

Mayor Tedeschi called the meeting to order at 9:15 P.M.

In accordance with the Open Public Meetings Act, notice of this special meeting of the Borough of Fair Lawn was published in The Record issue of December 18, 2009. Notices were also posted on the bulletin board located on the first floor of the Municipal Building and the Maurice Pine Free Public Library. Copies were mailed to The Community News and posted on the Borough of Fair Lawn Website.

PRESENT: Mayor Tedeschi, Deputy Mayors Swain and Weinstein and Councilmembers Baratta and Trawinski.

ALSO PRESENT: Manager Stafford, Municipal Clerk Kwasniewski and Attorney Rosenberg.

ORDINANCES ON SECOND READING:

ORDINANCE NO. 2201-2010 (RESOLUTION NO. 404-2010)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 125 ENTITLED "LAND DEVELOPMENT", ARTICLE V "SITE PLAN AND SUBDIVISION STANDARDS", SUBSECTION 125-53, STORM WATER MANAGEMENT REGARDING REFUSE CONTAINER/DUMPSTERS

Upon motion by Deputy Mayor Swain and a second by Councilmember Trawinski, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

Municipal Clerk Kwasniewski stated that the Planning Board sent a memo which stated the ordinance was consistent with the Master Plan.

Pamela Coles, 13-34 George Street inquired how the ordinance would be monitored. Manager Stafford stated enforcement would be handled by the Property Maintenance Officer, as it was now. He will also continue to monitor the dumpsters.

There being no further questions, upon motion by Councilmember Baratta and a second by Councilmember Trawinski, it was unanimously agreed to close the time for public comments.

There being no further discussion, upon motion by Councilmember Baratta and a second by Councilmember Trawinski, Resolution No. 404-2010 adopting Ordinance No. 2201 – 2010 was unanimously passed.

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2202-2010
(RESOLUTION NO. 405-2010)**

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FAIR LAWN, 2000, BY AMENDING AND SUPPLEMENTING CHAPTER 125 ENTITLED "LAND DEVELOPMENT", ARTICLE V "SITE PLAN AND SUBDIVISION STANDARDS", SUBSECTION 125-53, STORM WATER MANAGEMENT REGARDING PRIVATE STORM DRAIN INLET RETROFITTING

There being no comments by the public, upon motion by Deputy Mayor Swain and a second by Councilmember Baratta, the time for public comments was unanimously closed.

There being no discussion, upon motion by Councilmember Baratta and a second by Mayor Tedeschi, Resolution No. 405-2010 adopting Ordinance No. 2202-2010 was unanimously passed.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, it was unanimously agreed to read the following ordinance by title and open the time for public comments.

**ORDINANCE NO. 2205-2010
(RESOLUTION NO. 406-2010)**

AN ORDINANCE FIXING THE SALARIES OF CERTAIN EMPLOYEES OF THE BOROUGH OF FAIR LAWN, BERGEN COUNTY, NEW JERSEY AS AMENDED (PBA/SOA)

Pamela Coles, 13-34 George Street asked if this ordinance was required by the State. Mayor Tedeschi stated that the ordinance memorialized their negotiation and settlement of the PBA/SOA contract.

There being no further comments by the public, upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, it was unanimously agreed to close the time for public hearing.

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 406-2010 adopting Ordinance No. 2205-2010 was discussed.

Mayor Tedeschi stated that he received a call from Matt Mauer, an aide to Governor Christie, who asked him to advise the Council that the Senate Assembly and the Governor had reached an agreement on the arbitration rates. He advised Mr. Mauer that the Borough had resolved this issue on its own several months ago and were pleased with the results. Councilmember Trawinski stated that the contract hit the toolkit percentage almost to the penny. He thanked everyone involved in the negotiating process.

There being no further discussion, Resolution No. 406-2010 adopting Ordinance No. 2205-2010 was unanimously passed

RESOLUTIONS BY CONSENT #30-2010

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Consent Agenda No. 30-2010 containing the following items was unanimously passed.

- Municipal Clerk reads Resolutions by Consent.
 - a. Resol. #407-2010 – Transfer of Funds
 - b. Resol. #408-2010 – Approval of Minutes:
 - Closed Session 9/7/10
 - Work Session 9/7/10
 - Closed Session 9/7/10
 - c. Resol. #409-2010 – Ratifying and Confirming Bond Sale
 - d. Resol. #410-2010 - Fair Lawn Cops in Shops
 - e. Resol. #411-2010- Award of Bid: Kubota B25 Tractor Loader Backhoe
 - f. Resol. #412-2010 – Refund of Overpayment of Taxes
 - g. Resol. #413-2010 – Cancel Year 2010 Sewer User Charges Due to Property Classification Change
 - h. Resol. #414-2010 – Authorizing Renewal of Massage Establishment and Massagist License – Massage/Spa Incorporated

RESOLUTION NO. 415-2010 – APPROVAL OF MINUTES:

- Special Meeting 9/7/10

Upon motion by Deputy Mayor Weinstein and a second by Councilmember Trawinski, Resolution No. 415-2010 was passed with Councilmember Swain abstaining.

RESOLUTION NO. 416-2010 – APPROVAL OF MINUTES

- Regular Meeting 9/14/10
- Closed Session 9/14/10

Upon motion by Councilmember Baratta and a second by Deputy Mayor Swain, Resolution No. 416-2010 was approved with Deputy Mayor Weinstein and Councilmember Trawinski abstaining.

RESOLUTION NO. 417-2010 – DENTAL INSURANCE RATES

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Swain, Resolution No. 417-2010 was unanimously passed.

**RESOLUTION NO. 418-2010 – AUTHORIZING THE ISSUANCE OF A DEPOSIT ON
THE NAUGLE CONTRACT**

Upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 418-2010 was unanimously passed.

**RESOLUTION NO. 419-2010 – EXEMPT THE RESERVE FOR UNCOLLECTED TAXES
FROM THE 2% CAP**

Councilmember Trawinski stated that this resolution was important for the reasons stated by the League of Municipalities. They have to collect the taxes and absorb them in their budget and then pay out the dollars to the Board of Education. It is fundamentally unfair to the taxpayers who have to bear the burden on the Municipal side but don't see it on the school side. He felt Governor Christie needed to understand that there are nuances to municipal budgeting. He thanked the Council for supporting this resolution.

Mayor Tedeschi asked if the reserve would appear on the Board of Education books. Councilmember Trawinski stated that it would not. They can deliver a municipal tax levy increase in the neighborhood of 2.2% because they have managed things tightly as a municipality for quite some time. Because of the

arbitrary spending cap, however, they will be forced to make cuts that will impact upon the taxpayers and services. They have no choice. It was significantly more important to deliver the 2% tax levy cap rather than make cuts for the sake of making cuts. They are bearing the burden of doing a good job on holding the line on spending.

There being no further discussion, upon motion by Councilmember Trawinski and a second by Deputy Mayor Weinstein, Resolution No. 419-2010 was unanimously passed.

ADJOURNMENT TO WORK SESSION

Upon motion by Councilmember Baratta and a second by Councilmember Trawinski, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

Mayor Joseph Tedeschi

Councilmember Jeanne Baratta

Deputy Mayor Lisa Swain

Councilmember Ed Trawinski

Deputy Mayor Steven Weinstein